

EXHIBIT 1

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

BLACK LOVE RESISTS IN THE RUST, et al.,
individually and on behalf of a class of
all others similarly situated,

Plaintiffs,

vs.

1:18-cv-00719-CCR

CITY OF BUFFALO, N.Y., et al.,

Defendants.

ORAL EXAMINATION OF KEVIN BRINKWORTH

APPEARING REMOTELY FROM

BUFFALO, NEW YORK

Wednesday, March 16, 2022

9:08 a.m. - 4:43 p.m.

pursuant to notice

REPORTED BY:

Luanne K. Howe

APPEARING REMOTELY FROM CUYAHOGA COUNTY, OHIO

1 A My role as chief was limited.

2 Q Looking at the bullet points, about halfway down the
3 list, it says, "Strike Force will perform daily
4 Traffic interdictions."

5 A Yes.

6 Q What does "interdictions" mean?

7 A It means making -- essentially making contact with
8 people.

9 Q And how did performing traffic interdictions help the
10 Strike Force to fulfill its mission?

11 A Well, they would set up the roadblocks, and
12 hopefully, they would run the traffic corners and
13 check cars as they went through. Occasionally, they
14 would write a summons.

15 And sometimes from the information they got from
16 the licenses, they might be able to make a warrant
17 arrest. You know, there might be some outstanding
18 warrants out there for people.

19 Q And so how did running the roadblocks in particular
20 help the Strike Force to fulfill its mission?

21 A By sometimes making arrests that resulted from the
22 traffic stops.

23 Q Moving a little further down in the document, it

1 Q Does writing traffic violations further the mission
2 of preventing criminal activity within the MHA
3 buildings?

4 A Well, if you make a car stop and you're creating a
5 presence out there, people are seeing you, but you're
6 also making these stops. And again, if there's
7 somebody with a warrant in there, you make a
8 presence, you make your presence, and maybe people
9 avoid the area. Maybe the bad guys avoid the area.

10 Q How about actually issuing the tickets as opposed to
11 just making the stop, does actually issuing the
12 tickets assist with the law enforcement mission?

13 A Sure, yes.

14 Q And can you explain why?

15 A Well, you're enforcing the vehicle and traffic law,
16 which is law enforcement.

17 Q And how about impounding vehicles, does that further
18 the goal of preventing criminal activity in and
19 around Housing Authority buildings?

20 A Well, it can also be a safety issue. But again,
21 they're enforcing vehicle and traffic laws. If
22 you're taking those vehicles off, the person's not --
23 if the car is not registered, he shouldn't be

1 times or traffic slowdowns caused by roadblocks?

2 A No.

3 Q When you were at a roadblock, did you have occasion
4 to observe how long people would wait while passing
5 through the roadblock?

6 A I saw a car stopped.

7 Q The way that the roadblock functioned was that the
8 cars would pass through and some cars would pass
9 through and others would be flagged to be pulled over
10 for a secondary stop; is that right?

11 A Yes.

12 Q Do you know how long a car would wait in between the
13 first stop and the second stop?

14 A I have no idea. I guess it would depend on the
15 number of summonses issued or what the officer needed
16 to do.

17 Q When you were at roadblocks, did you witness multiple
18 cars being pulled to the side of the road waiting for
19 tickets to be issued?

20 A There were times that there were cars sent over to
21 the side, yes, more than one.

22 Q And did you also witness tow trucks at the roadblock
23 in case cars were needing to be towed away?

1 pattern, you might be able to preempt some of their
2 behaviors.

3 Q I'll mark as Brinkworth 37 a document identified as
4 COB053645. And this is a three-page email chain
5 regarding a complaint by Delwanda Garland.

6 A Okay.

7 Q And we can scroll down to the complaint. I'll let
8 you read it. The date of the complaint was
9 August 27, 2014.

10 A Okay.

11 Q And I'll let you finish.

12 A Okay.

13 Q So looking at this complaint, do you agree that Ms.
14 Garland was initially stopped without any
15 individualized suspicion as part of the process of
16 going through the checkpoint?

17 MR. POOLE: Form.

18 A It sounds like she went through a checkpoint.

19 Q Correct. And I'm just -- I'm hoping that this is not
20 a controversial point, but everybody who goes --
21 passes through a checkpoint is stopped, right?
22 They're under the --

23 A Yes.

1 Q Yes. And they're stopped without any individualized
2 suspicion of wrongdoing?

3 A Correct.

4 Q But --

5 MR. POOLE: Form again. Sorry.

6 Q In order to pull a driver over for a secondary stop,
7 the officer would have to have probable cause that
8 the driver had committed a crime or a traffic
9 violation, right?

10 A Yes. But in this instance, it appears that she was
11 not cooperating. She said her vehicle information
12 were all correct, so if I'm reading this correctly,
13 she didn't provide that.

14 Q Are people driving in vehicles ordinarily required to
15 stop and be stopped and answer questions from
16 officers when they haven't committed any traffic
17 violations?

18 MR. POOLE: Form.

19 A Well, this was a traffic checkpoint, so all the cars,
20 all the officers -- all the motorists were stopped.

21 Q And so it's your testimony that when people are
22 passing through a checkpoint, if an officer wants to
23 pull them over to ask them more questions, that the

1 STATE OF OHIO)

2 COUNTY OF CUYAHOGA)

3 I, Luanne K. Howe, Notary Public, in and for the
4 County of Cuyahoga, State of Ohio, do hereby certify:

5 That the witness whose testimony appears
6 hereinbefore was, before the commencement of his testimony,
7 duly sworn to testify the truth, the whole truth and nothing
8 but the truth; that said testimony was taken remotely
9 pursuant to notice at the time and place as herein set
10 forth; that said testimony was taken down by me and
11 thereafter transcribed into typewriting, and I hereby
12 certify the foregoing transcript is a full, true and correct
13 transcription of my shorthand notes so taken.

14 I further certify that I am neither counsel for
15 nor related to any party to said action, nor in any way
16 interested in the outcome thereof.

17 IN WITNESS WHEREOF, I have hereunto subscribed my
18 name and affixed my seal this 22nd day of March, 2022.

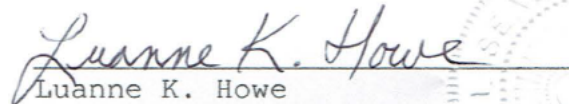
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Luanne K. Howe
Notary Public - State of Ohio

My commission expires 10-07-24

